IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 551 OF 2005

IN

WRIT PETITION NO. 963 of 2005

Kaushal Mahendra Mehta .. Petitioner

V/s

Development Credit Bank Ltd. & Ors. .. Respondents

Ms.Pandya with Mr.J.J. Shah for the Petitioner.

Mrs.Shamti Hajel i/b M & M Legal Associates for Respondent No.1.

CORAM : H.L. GOKHALE & S.R. DONGAONKAR, JJ.

DATE : 31ST MARCH 2006

P.C. :

1. Heard Ms.Pandya for the Petitioner in support of this motion. Mrs.Hajel appears for Respondent No.1. Other Respondents are served.

2. Motion seeks restoration of the petition which came to be dismissed on 29th September 2005. An affidavit in support has been filed explaining the circumstances wherein the matter was dismissed. The explanation is given in para 3 of the affidavit. We accept this explanation. Motion is granted in terms of

prayer (a). The order dismissing the petition will stand set aside. Petition will stand restored to the file of the Court on payment of costs of Rs.1500/- to Respondent No.1. Main petition be listed for admission on 24th April 2006.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)